



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5307/2024**

JHARKHAND MUKTI MORCHA

..... Petitioner

Through: Mr. Kapil Sibal, Senior Advocate
with Mr. Arunabh Chowdhury, Senior
Advocate and Ms. Pragya Baghel,
Ms. Aparajita Jamwal, Mr. Abhishek
Roy, Advocates

versus

NISHIKANT DUBEY

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.04.2024

%

1. Petitioner has approached this Court challenging the Order dated 04.03.2024, passed by the Office of Lokpal of India by which the Lokpal has directed the CBI to investigate as to whether the properties at S.No. 1 & 2 of the Annexure 2 of the preliminary report, filed by the CBI on 01.07.2021, belongs to the public servant or the political party.

2. Learned Senior Counsel appearing for the Petitioner submits that this Order is beyond the jurisdiction conferred on Lokpal under the Lokpal and Lokayuktas Act, 2013 as the enquiry under the Lokpal and Lokayuktas Act, 2013 can be only against a person and not against any political party. He, therefore, states that once the CBI has come to a conclusion that the abovementioned properties belongs to the Political Party, then it is not open



for the Lokpal to order for further investigation and the same goes beyond the ambit of the Lokpal to pass an order.

3. Issue Notice.

4. On Petitioner's taking steps, let notice be served on the Respondent through all permissible modes, including *Dasti*.

CM APPL. 21766/2024

5. The CBI is directed to give a report in a sealed cover to the Lokpal of India on or before 30.04.2024. Lokpal of India is directed not to take any action against the Petitioner till the next date of hearing.

6. List on 10.05.2024.

SUBRAMONIUM PRASAD, J

APRIL 23, 2024

Rahul